

**REMARKS**

Favorable reconsideration of this application is respectfully requested in light of the following remarks.

As an initial matter, Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As a result, Claim 2 has been amended to remove the term "narrow". Accordingly, withdrawal of the rejection based on 35 U.S.C. § 112, second paragraph, is respectfully requested.

By way of the foregoing claim amendments, Claims 1-4 have been replaced, and new Claims 5-8 have been added. Claims 1-4 have been amended to remove reference numbers and to put the claims into U.S. format. In addition, new Claims 5-8 have been added to further define patentable features of the present invention.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,496,858 to *Knollenberg*. Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,882,025 to *Loo*.

The disclosed embodiment of the present invention pertains to a method of homogenization of a pressurized liqueform emulsion. The method comprises the steps of passing the liquid through at least two concentrically placed homogenization gaps where a first homogenization takes place. The liquid, when passing out from one of the homogenization gaps at a high speed and in a restricted space, meets the liquid from one or more of the other homogenization gaps, whereby a second part of the homogenization occurs. These features are defined in independent Claims 1 and 5.

The claimed invention optimizes homogenization gaps so that they are controllable for desired flow and pressure, and at the same time, provide for a more efficient and improved homogenization. None of the art of disclose these patentable features.

In contrast, *Knollenberg* discloses a method for homogenization which avoids the use of homogenization gaps, which *Knollenberg* states are easily clogged and are to be machined with extraordinary care. See col. 1, lines 40-46 of *Knollenberg*. The Examiner equates radical channels *e, f* with the homogenization gaps of the claimed invention. However, the radical channel *e, f* are not homogenization gaps. Specifically, homogenization gaps were a thing to be specifically avoided by the invention of *Knollenberg*. In addition, the apparatus disclosed in *Knollenberg* cannot be regulated for variations in pressure and flow. Accordingly, *Knollenberg* fails to disclose the feature of causing the liquid to pass homogenization gaps, as defined in independent Claims 1 and 5. Accordingly, *Knollenberg* fails to disclose the patentable features of the present invention.

*Loo* also fails to disclose the patentable feature of independent Claims 1 and 5. In particular, *Loo* discloses a homogenizing valve that has a number of inlets 30, 31 where the milk enters the valve. The milk is then forced to pass a sharp edge and is then collected in concentric grooves before it leaves the valve. In col. 1, lines 57-63 of *Loo*, the object of the invention is to cause an abrupt reduction in the pressure and to cause the development of microscopic bubbles in the milk that will rapidly form and collect. As such, the milk from the different inlets cannot be met at a high velocity, as the inlets are too far away from each other. Thus, *Loo* fails to disclose the feature of the liquids being dispersed through the at least two concentrically place homogenization gaps into a restricted space

and at a high speed, as defined in independent Claims 1 and 5. Accordingly, *Loo* fails to disclose the patentable features of the present invention.

For at least the foregoing reasons, it is submitted that the method of independent Claims 1 and 5 and the claims depending therefrom, is patentably distinguishable over the applied documents. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

Respectfully submitted,

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**Attachment to AMENDMENT dated October 16, 2002**

**Mark-up of Claims 1-4**

1. (Amended) A method of homogenization of a pressurised liqueform emulsion, in which the liquid is caused to pass at least two concentrically placed homogenization gaps [(12, 13)], [characterized in that] wherein the liquid, when passing out from one of the homogenization gaps [(12)] at high speed and in a restricted space, meets the liquid from one or more of the other homogenization gaps [(13)], whereby the liquid is subjected to a second part of the homogenization.

2. (Amended) The method as claimed in Claim 1, [characterized in that] wherein the homogenization gaps [(12, 13)] are created in the space between two [narrow] surfaces [(10, 11)] on a valve seat [(2)], and two narrow surfaces [(14, 15)] on a valve cone [(1)].

3. (Amended) The method as claimed in Claim 2, [characterized in that] wherein the liquid is led into the homogenization gaps [(12, 13)] through a central throughflow channel [(4)] and a concentric throughflow channel [(5)] which are provided in the valve seat [(2)].

4. (Amended) The method as claimed in Claim 2, [characterized in that] wherein the liquid departs from the homogenization gaps [(12, 13)] via a throughflow channel [(3)] provided in the valve cone [(1)].